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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

(1) S.B. CIVIL WRIT PETITION NO. 2516/2006
M/S RATNALAYA HOTELS & DEVELOPERS PVT. LTD.
Vs.
STATE OF RAJASTHAN & ORS.

(2) S.B. CIVIL WRIT PETITION NO. 4406/2006
OMESH BIHARI & ORS. Vs. STATE OF RAJ. & ORS.

(3) S.B. CIVIL WRIT PETITION NO. 8874/2006
MANGLAM BUILDSTATES PVT. LTD. Vs. STATE OF RAJ. & ORS.

(4) S.B. CIVIL WRIT PETITION NO. 621/2007
M/S SUPER BUILDCON PVT. LTD. Vs. STATE OF RAJ. & ORS.

&
(5) S.B. CIVIL WRIT PETITION NO. 4856/2007
SHRI PARMATMA DAYAL MATHUR & ANR.
Vs.
STATE OF RAJ. & ORS.

DATE: 03.08.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Kamlakar Sharma for the petitioners.
Mr. G.S. Gill, AAG for the respondents.
Mr. P.C. Jain for respondent No.2

All these five writ petitions are similar in nature, therefore they are heard together and are being decided by this common order.

Learned counsel for the petitioners at the outset submits that the controversy involved in these writ petitions is squarely covered by the judgment rendered by this Court in **S.B. Civil Writ Petition No.**

1371/2003- M/s Pink City Apartments Pvt. Ltd. Vs. State of Rajasthan & Ors., dated 25.03.2003 and the judgment of the Division Bench of this Court rendered in **D.B. Civil Special Appeal (W) No. 617/2003, dated 09.09.2001** filed by Nagar Nigam, Jaipur against the judgment of the learned Single Judge dated 25.03.2003.

The copies of the judgments were supplied to the learned AAG Mr. Gill for study of the same, who submits that in the light of the aforementioned judgment dated 25.03.2003 and 09.09.2001 passed by the learned Single Judge and the Division Bench of this Court respectively, these matters may be decided.

Counsel for the petitioner submits that both the judgments rendered by the learned Single Judge and the Division Bench of this Court have been followed by this Court in numerous cases.

In S.B. Civil Writ Petition No. 2075/2006- Tribhuvan Sharda & Anr. Vs. State of Rajasthan & Ors., decided on 24.04.2006, this Court has considered that the present controversy is fully covered by the judgment rendered by this Court in the case of K.L. Sharma & Anr. Vs. State of Rajasthan & Ors., passed in S.B. Civil Writ Petition No. 2997/2003 as also the Division Bench judgment of this Court in D.B. Civil Special Appeal No. 617/2003- Nagar Nigam, Jaipur Vs.

M/s Pink City Apartment Pvt. Ltd. & Ors.

Further similar order has also been passed by this Court on 01.06.2005 in S.B. Civil Writ Petition No. 2997/2005- K.L. Sharma & Sons & Anr. Vs. State of Raj. & Ors., as well as in S.B. Civil Writ Petition No. 9240/2005 decided vide order dated 27.01.2006.

Since all the co-ordinate Benches as also the Division Bench of this Court has considered the present controversy, therefore, as agreed by learned AAG Mr. Gill, pursuant to the judgment rendered by this Court in **S.B. Civil Writ Petition No. 1371/2003 (supra) dated 25.03.2003** and the judgment passed by the Division Bench in **D.B. Civil Special Appeal (W) No. 617/2003 (supra) dated 09.09.2001**, I deem it proper to direct the Jaipur Nagar Nigam to take steps in accordance with law and consider the applications and plan for construction of high rise building complex and take appropriate decision whether permission for construction of the high rise building should be given or not, in the light of the bye-laws/regulations concerned.

With these observations, all these five writ petitions stand disposed of.

(K.S. RATHORE), J.

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